

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL DOCKET NO. 1:17-cr-00039
	:	
THOMAS N. BOYCE, JR.	:	HONORABLE RICHARD G. ANDREWS

SENTENCING MEMORANDUM

Thomas Boyce comes before this Court for sentencing on December 5, 2017. Mr. Boyce pled guilty to three counts of 18 U.S.C. §1951(a).

18 U.S.C. §3553 gives the factors to be considered at sentencing. The history and characteristics of Mr. Boyce are to be a significant factor.

Thomas Boyce was born July 29, 1966 in Chestertown, Maryland. Graduated from Kent County High School located in Worton, Maryland. September of 1985 he attended Chesapeake Community College for one semester. In January of 1996 Mr. Boyce moved to Baltimore, Maryland to attend R.E.T.S. for Computer Aided Drafting where he completed one year of a two year program due to funding. March 1988 thru October 1995, Mr. Boyce served in the United States Air Force receiving an honorable discharge. From October 1995 thru October 2015, Mr. Boyce worked for the State of Delaware Department of Corrections and gained rank of Sergeant in 2002. April 2010 he joined the Military Lodge #28 of Free and Accepted Mason. This organization held fund raisers for youth football to purchase equipment, assist high school students with scholarships to attend college and held mentoring programs for young boys without fathers in the home. August 2015, Mr. Boyce took training classes in Base Level Water Treatment and Level 1 Waste Treatment at the Delaware Technical College. January 8, 2016,

Mr. Boyce took and passed state exams in both courses, wastewater and drinking water treatments. July 2016 Mr. Boyce began his employment at Allen Harim Foods as a wastewater operator where he is still currently employed.

Growing up without a father, Mr. Boyce was determined to provide for and keep his family together and to succeed in life. Estranged from his father Mr. Boyce learned that his father was diagnosed with throat cancer. Mr. Boyce brought his father to his home to live with him and his family becoming his care giver and took him to appointments until his death. Taking on the responsibility of paying for his father's funeral expenses due to no life insurance. On February 16, 1991, Mr. Boyce married Shona Boyce, his wife of twenty-seven years. They have four children: Nakeya Boyce age twenty-nine, Amber Boyce age twenty-three, Terrell Boyce age twenty-one and Bria Boyce age twenty. Mr. and Mrs. Boyce have three grandchildren: Kavon Tyler age six, Kennedy Boyce age five and Kyrie Smith age two.

As all of the above clearly demonstrates, Mr. Boyce, but for the conduct of the instant case, has led an upstanding and honorable life. Mr. Boyce overcame a difficult childhood, served his country honorably, always worked and has been an admirable husband and father. Although Mr. Boyce has clearly made significant errors of judgment, they are just one piece of the total picture of the man Thomas Boyce.

Attached to this Memorandum are numerous character letters from people from all walks of life attesting to the nature and quality of Thomas Boyce.

Mr. Boyce, even after getting fired from his corrections job due to this incident, immediately sought out and obtained employment which he presently holds and from the attached letters, is doing it in an extremely admirable way.

Mr. Boyce is fully aware of the seriousness of his offenses. During this time he committed these crimes he was under financial stress and easily rationalized his conduct, i.e., its not hurting anybody and easy way to get a little extra cash. In retrospect he sees this rationalization as a real failure of this character that he now accepts and understands. The best evidence of this mentality is the fact that immediately upon his criminal activities was exposed he fully cooperated with investigators and of course pled guilty.

The deterrence factor of sentencing in this particular case is satisfied by some jail time but even more so by the public indictment, conviction and the collateral disabilities incident to this conviction – loss of job, loss of licenses and status in the community.

The rehabilitation factor is not really a major component in this sentencing procedure. As has been noted, Mr. Boyce, but for this event has lived and is currently living a successful and commendable life. Reforming Mr. Boyce is not really a goal of this sentencing. Since Mr. Boyce is no longer employed in corrections and this incident was so out of character, that the likelihood of recidivism is negligible.

Respectfully submitted,

Date: November 22, 2017

/s/ Jack McMahon
Jack McMahon
Attorney for Thomas N. Boyce, Jr.

CERTIFICATE OF SERVICE

The undersigned hereby certify that on this date a copy of the foregoing Sentencing Memorandum was served by the Court's electronic case filing system upon the following:

Edmond Falgowski, AUSA
Office of the United States Attorney
The Nemours Building
1007 Orange Street, Suite 700
Wilmington, DE 19899-2046

Date: November 22, 2017

/s/ Jack McMahon
Jack McMahon